

PERSONAL EXPLANATION

Mr. COOPER. Mr. Speaker, I was unavoidably absent on Thursday afternoon and Friday morning. Had I been present for rollcall 40, I would have voted "yea" on H.R. 6, a bill I proudly cosponsored that will improve America's energy independence and financial situation.

Had I been present for rollcall 42, I would have voted "yea" on H.R. 475.

GENERAL LEAVE

Ms. MILLENDER-McDONALD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the measure just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my friend, the majority leader, Mr. HOYER, for the purpose of inquiring about next week's schedule.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

We are going to meet at 12:30 p.m. for morning hour on Monday and at 2 p.m. for legislative business. We will consider several bills under suspension of the rules, including, and every Member ought to pay attention closely to this announcement, to the important bill, I think frankly it is going to pass with every Member's vote; we will consider several bills under suspension, but including legislation regarding Members' pension accountability.

I think everybody in this House believes that we ought to have legislation, we have had it; when the minority was the majority they pushed for this legislation, we agreed with them, we are pushing it as well. We think there will be agreement on making sure that if you commit a crime while a Member of Congress that is contrary to your duties that you are going to lose your pension. We think the American public believes that is fair.

On Tuesday, the House will meet at 10:30 for morning hour and noon for legislative business. We will consider additional bills under suspension of the rules. A complete list of those suspension bills, as is the practice, will be available by the end of today.

On Tuesday, obviously we will receive the President for the delivery of the State of the Union message. So we will vacate the Chamber about 5 o'clock to give the opportunity for the security forces to make sure the Chamber is secure.

On Wednesday, we will meet at 10. We will consider a resolution to restore to the Delegates and Resident Commis-

sioner their ability to cast votes in the Committee of the Whole. This rule was in place prior to January 1995, and we believe it is a good rule and will try to adopt that amendment to the rules. We will finish business in time—I have discussed with Mr. BOEHNER and Mr. BLUNT—we are trying to accommodate our schedule so that the minority is able to leave in a timely fashion to go to their meeting in Cambridge.

Mr. BLUNT. I thank my friend. I have several questions. On the last issue that you just raised, that is the first notice that I have had, maybe our staff has had notice, right before coming to the floor on changing the rules for the Committee of the Whole to where Delegates could vote. I would ask my friend, is that only in the Committee of the Whole? Is that what that rule change would be?

Mr. HOYER. This is exactly the same rule that was put in place by the Democrats when we were in the majority to give to our five Delegates the opportunity to come to the floor to express their opinion in the Committee of the Whole. That rule, however, provides that in the event that the votes of the Delegates make a difference in the outcome, that immediately the Committee would rise, go into the House, and it would be revoted in the full House without the ability of the Delegates to vote.

The reason I articulate that, Mr. Whip, is to point out that, as you know, that was taken to court to see whether or not that was appropriate under the Constitution. The Court ruled that it was appropriate under the Constitution, with that caveat that I have just referenced. I have discussed this with all five Delegates. They are all supportive of this rule.

We believed, as you know, when you adopted your rules in January of 1995 and dropped the Delegates, we believed that that was unfortunate, because we have five people here sent by their constituents to the House but do not have an opportunity to express their view in a public way, their position in a public way on behalf of their constituents. This will do that, although under the Constitution we are constrained to write it as we did, which has been confirmed by the court. And I thank the gentleman for that question.

Mr. BLUNT. Now, I believe there are seven Delegates, and we might get our numbers straight on that. Also, I think I am right in that this has only happened in one Congress.

Mr. HOYER. Would the gentleman yield?

Mr. BLUNT. Yes, I would.

Mr. HOYER. There are five, believe me. There are obviously the representative of the District of Columbia, the Virgin Islands, American Samoa, Guam, and Puerto Rico.

Mr. BLUNT. Okay.

This only happened in one Congress, which was the Congress in 1993 and 1994. I wasn't in Congress at the time, but I recall it was very controversial, I

believe the gentleman suggested so controversial that there was a court case that determined that these votes, if they had impact on the outcome, immediately would have to be decided by the full House. And I am wondering, is that to give a deceptively large margin in the Committee of the Whole? The majority is in the majority. Four of these five Delegates are on the majority side. Every time it doesn't matter in terms of passage, I guess that means it appears that there are four more votes or maybe five more votes than there would otherwise be.

What is the purpose of this? If it made a difference, it would immediately have to go to a vote that they could not participate in.

I yield for an answer.

Mr. HOYER. I thank the gentleman for yielding.

The purpose is to honor democracy. We are fighting in Iraq to honor democracy and allowing people to vote. I thought it was unfortunate, personally, that we did not continue the rule in place that we adopted in 1993 in the rules package. And this rule will of course extend to the Republican delegate, Resident Commissioner from Puerto Rico, as well as the gentleman from the District of Columbia. I personally believe very strongly she ought to have a full vote in this House. She represents 680,000, thereabouts, Americans who, if they moved across the river to Virginia or across the line to Maryland, would have a full vote. I think it is inappropriate, wrong, and frankly inconsistent with our commitment to democracy that she does not have a full vote on the floor of the House.

But I say to the gentleman the purpose is to give to these elected representatives of constituent parts of this country, not States, but constituent parts of this country the ability to express their views on this floor. Under the Constitution, obviously, if they make a difference, there would be a constitutional question; make a difference in the sense that the margin is so close that they would make the difference between winning and losing a proposition. So we provided then and are providing now what the Court has sanctioned as the way to give to the Resident Commissioner from Puerto Rico, a Republican, as well as the four Democrats who represent those four areas of our country that I indicated, the District of Columbia, clearly a part of our country, and the Virgin Islands, American Samoa, and Guam, the ability to come to this floor and express their opinion. We believe that is consistent with the democratic principles of this country, and that is why we are doing it.

Mr. BLUNT. Reclaiming my time, it seems to me that the courts must not think it is consistent, or they wouldn't have ruled and determined that if these votes made a difference you have to vote again with a body that doesn't include the votes from those five individuals.

I would also suggest that while the gentleman makes the point that the Delegate from the District of Columbia represents essentially the same number of people that everybody else on this floor does, that the Delegate from Guam, for instance, represents about a fourth of that number, about 160,000, 165,000 people. So their vote will be tallied in the Committee in a way that appears that the Committee vote has a substantially different margin than the same issue taken to the floor would have, and I am sure this will be a matter of some concern. It was controversial when it was done. It only lasted for one Congress. And as the gentleman would make the point, appropriately, that when my side became the majority side in 1995, that 2-year period where this existed, that rule was changed back.

A little more notice on that would have been helpful, but we have been given notice. We now know that this issue will come up on Wednesday. And in my own mind, I am still unclear why it is so significant for the work of the Committee to be disproportionate in its appearance to the work of the full House. They have maybe four or five extra votes that if they made a difference in essence don't count. But if they don't make a difference, it looks like the margin that the majority has created is bigger than in reality it would be if that was the margin that made the difference in whether an issue passed or not.

I would be glad to hear a response to that.

□ 1130

Mr. HOYER. I thank the gentleman for yielding the time. Of course, we are not very worried about that, we have been getting so many Republicans to vote with our propositions, 124 on one of our bills, 82 on another one of our bills, our margins are so big that is not a big concern to us at this point in time, I tell my friend.

Frankly, Guam is in no different position than some of our States. Some of our States have one Member, and they are guaranteed a Member no matter what their size is. So Wyoming, Montana and other States who have either more or less, Montana now represents more than most of us, Wyoming less than most of us. I am not sure what the population of Alaska is. But to that extent, Guam, American Samoa are not in any different position than a State that is guaranteed a vote.

Now under the Constitution, and I will say again to my friend that it wasn't the courts that imposed this, in our efforts in 1992 and 1993 when we adopted the rule to extend to our colleagues who vote in every committee in this House, they vote in the Ways and Means Committee if they are there, I don't know that there is a Delegate member, but they vote in the Natural Resources Committee, the Science Committee, other committees on which they are members they vote.

They are in line to chair or not chair subcommittees, depending upon their seniority. It is only in the Committee of the Whole that they cannot vote. So they cannot express their views for their constituents on an issue.

The Constitution is such, which is why we drafted the rule, you are correct, to have them make a difference would be, we believed, inconsistent with the Constitution. We need a constitutional amendment to do that. We are not offering a constitutional amendment. We don't think that is necessary.

But I want to tell my friend honestly, I have been the chief proponent of this and feel strongly about it, I believe passionately that Ms. NORTON ought to have a full vote, number one.

Number two, I believe the four Delegates, whether they be from Puerto Rico, whether from Guam, American Samoa or the Virgin Islands, ought to have the opportunity to come to this floor and express their views. So we are offering that rule. We thought it was a good rule.

You are right, in the final analysis it is not going to skew the difference between the minority and the majority parties because ultimately if they make a difference, it is not that their vote will not count, their vote will count. Their constituents will see their vote up and other Americans will see their vote up, and they are going to say the gentlelady from Guam or the gentleman from American Samoa or the gentlelady from the Virgin Islands or the gentleman from Puerto Rico believed X, Y or Z on a vote. We think that is consistent with our view that we ought to be extending opportunities for democracy, not limiting them.

Mr. BLUNT. Reclaiming my time on that, in the committees my understanding is if the Delegates in the committees, if their vote is the vote that makes the difference in committee work, that vote does not have to be taken again. There is a fundamental difference clearly, the Constitution and the courts believe, in what happens on the House floor and what both majorities have decided happens in committee.

I also think there is no analogous situation in terms of the number of people represented.

Generally, the single district States now are close to or bigger than. The individual from Montana represents more people than anybody else on the House floor. There is no 160,000-vote in any State.

My good friend from American Samoa, we have been friends for over two decades now. We have found many times to work together, and this certainly in no way reflects on my true fondness or long friendship with him. I would be glad for you to make a comment, and if you want to make a comment about the fact that American Samoa was excluded from the minimum wage increase, another issue that we are concerned about, we would

like to be consistent in at least that regard in how we treat these Delegate representatives and the people they represent.

Mr. Speaker, I yield to my friend from American Samoa.

Mr. FALCONE. I thank my good friend and colleague for yielding to me for a few seconds to respond to some of the concerns that he has expressed on the floor concerning whether or not we ought to be giving the privilege of the congressional Delegates to vote in the Committee of the Whole.

The gentleman makes a good point. The fact of the matter was that this matter was taken to court by the other side of the aisle, and on appeal the Court said it is constitutional if this procedure takes place where if, as a result of the vote a congressional Delegate's vote makes a difference, any Member of the House can also then appeal to the Chair for a revote. That is what makes it constitutional.

But to the point where the gentleman says because Guam is only 160,000 residents, I think once we get into the population consideration we are getting into another area. My good friend, the Resident Commissioner from Puerto Rico, who is a Republican, represents 4 million Americans. I can also make the argument to my good friend that we also bleed and die in the wars that we were currently fighting.

If there is any sense of equity and fairness in the process, at least give us a chance to participate in that regard.

I can say the same thing for our good friends from the State of Wyoming or other States. But when you consider the fact that we have a \$20 billion presence of our military, the strategic importance of Guam, we should appreciate the fact that people representing the territory of Guam should be given an opportunity. Guam, despite its small population, does and is a very important territory as far as our military strategic interests are concerned.

To the question of the minimum wage issue, I would say to my good friend from Missouri that I would prefer that we take this issue up at another point in time because I have my own ideas. I would simply say the fact of the matter is that the Federal Labor Standards Act does apply to my little district since 1938. The Congress amended the Federal Labor Standards Act in 1956 to allow the Territories, because in those days our economic situations were just not able to bear the Federal minimum wage standards. For that reason, we have established these industrial committees through the supervision and administration of the U.S. Department of Labor to help us, being under the Federal umbrella. So we do this so that eventually the economies of these territories will come up to par with the national standards.

The problem is that my good friends on the Commonwealth of the Northern Mariana Islands are not under the minimum wage provisions of the Federal

Labor Standards Act. This is the issue we are trying to correct.

I must say that I think the good Speaker from San Francisco has been unfairly characterized to suggest that she is doing this as a double standard, being hypocritical. I think it was unfair for our good friends on the other side of the aisle to depict the Speaker in doing something like this. It is not right.

I thank my good friend from Missouri for yielding, and I just wanted to explain those things.

Mr. BLUNT. I have great affection for my friend, and have had for a long time. This is not meant to reflect on him or the people he represents in any way. By the way, there are about 60,000 people on American Samoa that my friend represents, as opposed to 600,000 that others represent. I will let you respond to the number if you want to.

Mr. FALEOMAVAEGA. I will be happy to check on that with my good friend. I represent probably the smallest constituency in the House. But is it any different from our friends from Wyoming, if we are talking about population as a factor, to give representation? The fact is it is not because of the population but because of our status as a U.S. territory.

Now I can't say, because many of the Members don't realize we have had a 106-year unique political relationship with this great Nation. I bet to say that not many of the Members know about that relationship. If you want to talk about the contributions we have made, my little territory has the highest per capita casualty rate in the whole United States. If you want to count the numbers, I have had to go eight times to my district to take the remains of our soldiers who were killed in that terrible war in Iraq. If you want to make comparisons to the 70,000 people, yes; but we also say in a very proud way, we are very, very proud to make that contribution to our great Nation. So if you want to talk numbers, I think we can get into other situations as well.

Mr. BLUNT. I am sure we will, and I thank my good friend for that point.

I would just point out for the purpose of this discussion, Alaska, which the majority leader wondered about the population there, has 626,000 people. Wyoming has about 420,000—some people.

In terms of the decision to have the relationship with the Territories, that was not made anticipating that the Territories would be represented as States are represented. That is the plain and simple truth of it.

If it had been, there probably would have been a different thought about how you treat both Puerto Rico and American Samoa. This is a debate that I am sure a dozen years ago was widely discussed as a debate that should be had as a constitutional debate.

If your vote in the Committee of the Whole is going to matter, it shouldn't be reversible by a vote by the body

that doesn't include those five representatives. We have Wednesday to discuss this, and I am sure that we will.

I am glad to get the notification, although I think on an issue like this that clearly was a huge issue a dozen years ago, that notification on the floor is a little later than I would have hoped for.

The other issue on the schedule, I appreciate the leader trying his best to accommodate the retreat that our Members will have next week. And of course there will be a reciprocal accommodation for the retreat you have the next week.

Having scheduled the floor for some period of time, as the majority leader for a while and as the majority whip working with the leader, I sympathize with the leader's challenge of the floor.

I would say that on this entire issue of the voting 5 days a week, whether in truth there is anything to vote for or not, I think has been widely taken advantage of, not by the leader but particularly by people who don't prefer to understand how hard our Members work.

The late night comedians love the idea that Congress was suddenly going to work 5 days a week. I think that was an unfair view of what our Members do. In fact, I would advance the theory that our problem is not that our Members don't work 5 days a week, our problem is that too many of our Members work 7 days a week. Too many of our Members get so focused on this that they don't focus on the things that the people they work for hope they would, and this makes it even more difficult to get your work done.

Here we are today, it was about 11 when we started this discussion. We had a 30-minute debate that when we finished at 6 p.m. last night, I would advance, could have happened then and then Members would have had a day in their district to meet with people who want to meet with Members on occasion during their regular workweek, not on Saturday or Sunday, and under this current schedule the only option is to come to Washington.

I know my good friend appreciates how hard the Members work. I know his suggestion that we would start working 5 days a week in Washington was not intended to be an indication that Members somehow don't work as hard as other Americans do because he and I both know that is not the case.

I wish our Members would have been able to go home last night or this morning and spend some of this workday at home instead of on an airplane. All of our Members as far as I know have a desk in their district office. If they are not going to be there Monday through Friday, they are not going to need that desk very often, and the only way to see them is right here. I think it is unfortunate that we had to come back today for 30 minutes of debate on a measure that was already agreed to on a vote that not a single person voted the other way. I say that more in

sympathy than I do in criticism. I understand the pledge you made.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield on that issue.

Mr. HOYER. First of all, let me say he and I agree. I was at dinner last night and Secretary Paulson was there. Secretary Paulson, as everybody knows, was the managing partner of Goldman Sachs. Obviously he worked very hard and is a very successful individual. He has been in his job now for a few months.

He said to me he was surprised how hard Members of Congress worked, how complex were the challenges confronting them, and how much of an education, frankly, over the last months he has had in dealing with Members of Congress, working on both sides of the aisle, how hard they had to work to come to grips with solving our Nation's problems.

I want to make it very clear that Members of Congress do in fact work 6, 7 days a week, and that is the rule, not the exception. And when they are at home in their districts, they are doing what the Founding Fathers expected them to do, particularly in this House, the people's House. They are going home and listening to their public and having town meetings, they are visiting business enterprises that are creating jobs and visiting schools. They are talking to their constituents. They are meeting people with problems with the Federal Government in their district offices where, as the minority whip has pointed out, they have offices, district offices, to serve their public. That is our job.

I tell my public that this job really is a two-fold job. Fifty percent of it is coming to the House and voting yea or nay on policy. Fifty percent of it is making sure that our districts are represented well in their interface with the Federal Government.

□ 1145

The Federal Government has an impact on our States, on our municipalities, on our jurisdictions and on our people, on our veterans and on our seniors in particular, but many, almost everybody. It is our job to be in close communication with them. As a matter of fact, the reason we are elected every 2 years, by the Founding Fathers' device, was to specifically keep us in close touch.

So I agree 100 percent with the minority whip when he indicates that our Members are working, whether they are here on this floor or they are at home. Period. Having said that, we are going to be considering a CR pretty soon because nine of the 11 appropriation bills that we were supposed to pass into law are still not passed. They weren't passed by the end of the fiscal year, September 30 of 2006. They have not been passed as of January 19, and we are going to try to get at least a CR passed so that we can fund last year's responsibility.

And I want Members to know that the committees have had essentially 2 days to work in this place, Tuesdays and Wednesdays; and the committees have been complaining that they aren't able to get their work done. I want everybody to know, Mr. BLUNT and I are close friends. We are not close Democratic friends and Republican friends; we are close friends. We see one another a lot, we talk to one another a lot, but what I have said, and the whip knows I have said this, we are going to come in Monday nights. Now, why are we going to come in on Monday nights? Because if we do not come in Monday nights and we come in Tuesday night at 6:30, the committees cannot meet because they can't get quorums.

Woodrow Wilson said that the work of Congress is done in its committees. If committees can't work, the Congress can't work. America sent us here to work, to get its work done, to make a difference, to take us in a new direction, and that is on our side.

I am prepared, as the leader, to take some of the flack when sometimes, as we wanted to do today, as the whip knows, we wanted to do the pension bill today. Mr. DREIER objected, it wasn't in the regular order, we understand that, we are going to accommodate that, so we are going to do it Monday. We think it is going to be an overwhelming vote on that. That could have been done today. We could have done that and moved it on, but we will be here on Monday. And committees will have Tuesday and Wednesday. Next week is a short week, the week after is a short week, so we won't be meeting on Fridays. So we are not on an onerous schedule.

But I would say to my colleagues on both sides of the aisle, this leader wants to accommodate the interest of Members. Why? Because I know you work hard, because I have been here for 26 years and I work very hard, and my colleagues work hard. I want you to also know that I think it is our responsibility and duty to the American people to be here in sufficient time to allow us to do the people's business.

And I want the people to know that when we are not on the floor on a Friday and only doing a half an hour or an hour's work, as the gentleman indicated, that our committees have 4 hours, from 9 to 1, to try to do their work.

Now, we are early in the session, so they may not have needed today. And, yes, I could, as practice has been, when we get to Thursday conclude, well, we can get this out of the way and go home. I know Members like to do that.

I want Members to be informed on a regular basis it is my intention, as the leader, as the person responsible for scheduling, to talk to our committee chairmen and committee ranking members that they will have the opportunity to get their work done, and I am hopeful that they will report that work to the floor.

My friend and I have discussed getting work for the floor is sometimes

difficult; but I say to my friend, I think it is more difficult if the committees don't have the opportunity to work. We are trying to provide that, while at the same time, I say to my friend, provide for Members' schedules, not only at home to work, but Members to be at home to see their children and their families and their wives and their husbands. We think that is important as well.

So scheduling, as my friend, Mr. BLUNT, has observed, is tough; but we are going to try to provide a schedule which provides the opportunity to do our business here and at home and to make sure that we stay in close touch with our families.

I thank the gentleman for yielding.

Mr. BLUNT. I am reminded of a friend of mine, when I was the Secretary of State in Missouri, who was the leader, the Democratic leader in the State Senate, was fond of saying: If you can't change your mind, you can't change anything. I am absolutely confident that no committees met today. And I understand the work the committees do in the Congress. When the committees aren't working when we could have added 30 minutes onto the schedule last night and been done, not in the middle of the night, by 7 o'clock, I think that would have been a good decision to make. I would hope my friend will remain flexible about that in the future.

This has gone on some time today. I appreciate the chance to talk about the work next week. I am also hopeful, and I would ask, will the change in the rules on allowing delegates to vote in the Committee of the Whole, will that go to the Rules Committees, and will there be a chance for Republicans to at least offer amendments?

Mr. HOYER. The answer to your question is it will go to the Rules Committee; the Rules Committee will consider it. I have not talked to the Rules Committee, nor have I talked to you or to Mr. BOEHNER about what you might want to do on that, but we will do that.

Mr. BLUNT. Well, the gentleman is right, we certainly haven't had any discussion on this until the floor today.

I would also make the point that last week we did take two bills to the Rules Committee; but before any opportunity was given to even offer an amendment, it was announced that no amendments would be allowed. I think that is unprecedented in the last 12 years, where at least the Rules Committee always heard the amendments and tried to offer amendments and always offered a substitute in every instance that I am aware of.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield briefly, as the gentleman can usually out-talk me.

Mr. HOYER. I would like to yield to Mr. DEFAZIO of Oregon.

Mr. DEFAZIO. I am a member of the full Transportation Committee; and Water Resources, a subcommittee of Transportation, did meet today. Per-

haps there were other committees meeting.

Mr. BLUNT. I would ask my friend how long you met and what was the topic.

Mr. DEFAZIO. I don't serve on that subcommittee any longer. I met some people on the way to the committee who told me they were meeting.

Mr. BLUNT. I appreciate the information.

Mr. HOYER. I just knew that you would be delighted to have that information.

Mr. BLUNT. I would be glad to find out the substance of that meeting this morning. I doubt it was very substantive or could not have been done yesterday. I think all the Members understand this discussion.

I think the general coverage of Congress meeting for 5 days a week was a disservice to the institution. It is like assuming that a surgeon only does the surgeon's work when they are in the operating room.

Another point that I believe I am helping my friend, the majority leader, make is, when we are in committee and not on the floor, that doesn't mean we are not working. When we are at home holding town hall meetings or meeting with constituents, or in my case, seeing how we are doing restoring power to 200,000 people that didn't have power in my district this week in weather that was between 6 and 26 degrees all week, it was impossible for me to be there today because I had to be here to cast a vote that could have been cast last night.

I hope we all work hard. Certainly the majority has had the better of this argument so far because it is a lot of fun to talk about Members of Congress that don't work, or suddenly Members are working. Another thing I am going to tell my friend we are going to do, frankly, is keep track of how many hours we worked in essentially a 3- and 4-day week versus a 4- and 5-day week. So far, we are winning in hours of working on the floor.

We worked hard; you worked hard. On the appropriations process, I would have liked to have finished that last year. It is clear to me that the unwillingness of the other body to move forward, a thing neither you nor I have a lot of control over, was the real reason we didn't get more of that work done. We had 11 of our 12 bills done by the 4th of July, without tremendous effort to keep Members here on Friday. The year before we had all of our bills done by the 4th of July. I think that is a reasonable target for us, and I hope that we help achieve that target this year.

We do want to get our work done. This is a bicameral legislative system. We don't control what happens on the other side.

Mr. Speaker, I yield back the balance of my time.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)